IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

J U D G M E N T

SAJJAN KUMAR VERSUS SMT.RITU AND OTHERS.
S.B.CIVIL MISC. APPEAL NO.1998/.2006
UNDER SECTION 384 OF THE INDIAN SUCCESSION ACT, 1925.

Date of Judgment:- 19.12.2006

PRESENT
HON'BLE MR.JUSTICE PRAKASH TATIA.

Mr.S.Saruparia, counsel for the appellant.
Mr.Amit Vyas, counsel for the respondents.

BY THE COURT :-

Heard learned counsel for the appellant and counsel for the respondents.

After death of Smt. Bharti Devi Choudhary on 15th May 2000 a petition for getting Succession Certificate has been filed by the appellant and respondents jointly before the District Judge, Bhilwara. The applicant appellant is husband of deceased Smt. Bharti Devi Choudhary whereas respondents who also were applicants before the Court below are the daughters of deceased Smt. Bharti Devi Choudhary. The trial Court after evidence held that appellant and respondents all the applicant are legal heirs of deceased Smt. Bharti Devi Choudhary and,

therefore, entitled to have Succession Certificate for the property mentioned in para No.2 of the application for grant of succession certificate. The trial Court, therefore, directed to issue Succession Certificate in the name of all the applicants and respondents as each has 1/3rd share in the shares of bonds, interest, and dividends over the amount of the bounds and from the shares.

Grievance of the appellant the husband of Smt. Bharti Devi Choudhary is that both the daughters gave in writing before the Court below that Succession Certificatge may be issued in the name of their father appellant alone but still granted succession Certificate in favour of all the three persons.

Learned counsel for the respondents daughters of Smt. Bharti Devi Choudhary submits that respondents have no objection if the Succession Certificate is issued in the name of the appellant alone.

Since it is not in dispute that appellant and respondents all have equal share in the shares and bonds andother benefits arising out of shares and bonds,therefore, Court below has not committed any illegality in issuing Succession Certificate

in the name of all three successors of deceased Smt. Bharti Devi Choudhary.

Since there is no dispute between parties and therefore, after obtaining the shares and bonds in the name of all successors applicants, the shares and bonds can be transferred by mere execution of transfer deeds in favour of the appellant, I do not find any reason to interfere in the order of the Court below which has been passed in accordance with law and cannot be interfered only on the ground of convenience of the appellant. Therefore, appeal is dismissed having no merits .

(**PRAKASH TATIA)J**

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